

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:03-CR-77-T-30TBM**

**HATEM NAJI FARIZ**

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**MOTION FOR LEAVE TO FILE SECOND AMENDED MOTION FOR  
DISCLOSURE OF MATERIALS RELATED TO SURVEILLANCE PURSUANT  
TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (“FISA”) AND  
FOR SUPPRESSION OF THE FRUITS OF ALL SURVEILLANCE CONDUCTED  
UNDER FISA AND MEMORANDUM OF LAW IN SUPPORT**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully requests permission of this Honorable Court to file a second amended motion for disclosure of materials related to surveillance pursuant to the Foreign Intelligence Surveillance Act (“FISA”) and for suppression of the fruits of all surveillance conducted under FISA and memorandum of law in support, for the purposes of (1) including Mr. Fariz’s constitutional arguments, and (2) making clarifications and corrections. As grounds in support, Mr. Fariz states:

1. Mr. Fariz has submitted to the Court his Motion for Disclosure of Materials Related to Surveillance Pursuant to the Foreign Intelligence Surveillance Act (“FISA”) and for Suppression of the Fruits of All Surveillance Conducted under FISA and Memorandum of Law in Support. (Docs. 787, 790).

2. Mr. Fariz also sought and received the Court's permission to submit a separate memorandum of law addressing Mr. Fariz's constitutional challenges to the FISA surveillance in this case. (Doc. 792).

3. The undersigned seeks permission of the Court to file an amended motion to suppress the FISA surveillance, in order (1) to include Mr. Fariz's constitutional arguments in the same document, and (2) to make clarifications and corrections to the motion.

WHEREFORE, Mr. Fariz respectfully requests permission to file a second amended motion for disclosure of materials related to surveillance pursuant to the Foreign Intelligence Surveillance Act and for suppression of the fruits of all surveillance conducted under FISA and memorandum of law in support.

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
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Attorney for Defendant Fariz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25th day of November, 2004, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
Assistant Federal Public Defender